Gazette of the United States, and Philadelphia Daily Advertiser.

By JOHN WARD FENNO, N° 119, Chesnut-Street.

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The price of this Gazette is Eight dollars per annum to Subscribers residing in the city of Philadelphia. All others pay one dollar additional, for enclosing and directing; and unless some person in this city will become answerable for the subscription, it must be paid Six Months in advance.

INSURANCE OFFICE.

THE subscribers beg leave to inform their commerfriends in particular, and the public in general, an office for the INSURANCE of SHIPPING, is opened at No. 95 South Front-street, where a of the public patronage is respectfully solicited.

N. & J. FRAZIER.

feb 15 dtm

For sale by the subscriber,
AT PORTSMOUTH (N.H.)

THE HULL
OF A
NEW SHIP,

80 feet keel, 27 1-2 beam, 12 feet hold, 5, 10 between decks; about 330 tons; with masts, spars and all the carpenter's and smith's work completed; built of good sound seasoned timber and plank; launched in November, 1796, and has been well taken care of since that time.—Further particulars may be known by applying to Messrs. Wharton & Lewis, Philadelphia, or to

THOMAS THOMPSON,

december 21 33w.tf.

For Sale,

The SCHOONER,
THREE SISTERS

IS almost a new vessel, carries between six and 700 barrels and sails remarkably fast, when loaded draws about 8 or 8 1-2 feet water, she is in complete order, having all the sails that can be used to advantage, the greater part of them are new. In short she may be sent to sea at a small Expence, and in three or four days notice——For terms apply to

Jehu Hollingsworth, & Co.
No. 47, Penn-street.

feb. 6. $

For FREIGHT or CHARTER, to any part of EUROPE,

The Swedish Snow
M A R I A,
HANS OLOF KOCK, commander.

A remarkably good vessel, about 220 tons burthen. A freight to Cadiz, or any part of the Mediterranean would be preferred. Enquire of the Captain on board at Vine-Street Wharf.

dec 17 $

SHIP BROKER'S OFFICE,
And Commission Store,
NO. 119, SOUTH FRONT STREET,
Next door to the Custom House.

THE Subscriber, encouraged by the advice of his friends, offers his service to the public as a Ship and Insurance Broker.——He proposes to buy and sell vessels and every thing relating thereto—assist masters of vessels and others in entering and clearing at the Custom-House, procuring and shipping freight, settling Insurance and all other mercantile accounts, and have on hand the necessary Blanks and Stamps.

Papers in foreign languages translated, and information given in general mercantile matters. —From a knowledge gained by long experience of every branch of business he hopes to be useful to those who please to favor him with their commands. *SAMUEL EMERY.*

november 10 22w

Madras Handkerchiefs.
An elegant assortment, just received,
And for Sale, by
ISAAC LOYD,
Next to No. 44, South Wharves.

feb 7 ¶ drw

To be Let,
A House and three Acres of Land,
Pleasantly situated at the Falls of Schuylkill—enquire at the office of the United States Gazette.

feb. 7 $

Wharf and Stores, For Sale.

THAT valuable Estate about 71 feet 3 inches on Water street, bounded on the north by Sassafras street, and extending into the river Delaware, on which are erected very extensive stores and wharf in good repair—plenty of water for the largest ships to lay at the wharf.—in every respect a capital situation for any business requiring extensive ware-houses and the convenience of the wharf, or for any person wishing to invest money in real estate, that will produce a handsome income.

Also, sundry valuable Ground Rents, well secured in the city, and of such amounts as to be an object to any person desirous of investing money in that way.

For further particulars enquire of the subscriber,

JOHN WARDER,
no. 208, north Front street.

2nd Month, 7th, 1799. 3aw3w

Notice.

TO BE SOLD,
Or exchanged for property in or near Philadelphia,

A FARM of one hundred and forty two acres of Land on the road from New-Port to Lancaster, near London Grove Meeting House, Chester county, the Farm House was formerly used as a Store and Tavern, for further information apply to CHARLES WHARTON, at his house No. 136. South Second-street.

feb. 18. ¶ 1aw3w

A quantity of Russia Hemp
Cordage and bar Iron
25 hogsheads Tallow
Platillas, Royal Brittanias
Checks &c. in cases

Now landing from the ship Four Friends, Capt. Hubber, from Hamburg, at Jesse and Robert Waln's wharf, and for Sale by

THOMAS & JOHN KETLAND,
Who have on hand,
Crates of Earthen Ware
Cannon and Carronades of various sizes
Dry white Lead
Guns and Pistols assorted in cases
Gun Flints in kegs
Ships' Muskets
Claret of a superior quality in cases of 1 to 3 dozen each.

feb. 13 dtor

Just received per ship Juno, Capt. Wolters, from Hamburgh,
Creas à la Morlaix,
Dowlas, whole pieces
Do. half do.
Brown Platillas.
Also on hand,
Russia Horse Hair, curled and uncurled,
Do Deck nail rods,
Brandy 4th proof, and
Rice, For sale by

ISAAC HAZLEHURST & SON.

feb. 15. d2w

CHINA GOODS,
Just received per the ship New-Jersey from Canton
AND FOR SALE
BY ARCHIBALD M'CALL,
At his Store No. 187, South Second street,
—VIZ —
An assortment of Teas of the first quality,
White and yellow nankeens
Canton, silk umbrellas
an assortment of china ware,
and a variety of SILKS, consisting of
Black and colored Lutestring
do. do. sattins
do. do. senshaws
do. do. silk handkerchiefs
do do. sewing silks
Black Taffeties
ALSO,
12 pipes of excellent Madeira Wine,
fit for immediate use,

jan. 24 $

Richard Bayley & Co.

RESPECTFULLY inform the public that the Retail Business carried on by them at their Store No. 136, Market-street, will in future be carried on by Mr. WM. BONNAR, whom they beg leave to recommend to the favor of their friends and the public.

ALL PERSONS indebted to the above firm and those to whom they are indebted, will please to apply to JOHN WHITESIDES & Co. or the settlement of their respective accounts, who are duly empowered for that purpose.

Richard Bayley & Co.

WILLIAM BONNAR,

RESPECTFULLY informs his friends and the public, that the above Store will be opened by him on Monday the 4th of February next, with an assortment of

DRY GOODS,

Suitable to the season, which he flatters himself will meet the approbation of those who honor him with their favor.

jan 29. $

NOTICE.

THE Public are cautioned not to trust any of the people belonging to the Swedish Snow Maria, on my account.

Hans Olof Kock, master.

dec 29 $

FOR SALE,

To be EXCHANGED for property within thirty miles of the city, or to let on ground-rent forever
Several valuable building Lots,
In Philadelphia,
Enquire of William M. Biddle. ne. 147, Chesnut-street.

nov. 22 $

TO LET,

THE large House in Southwark, lately occupied by Mr. Henry Mitchell; apply to
Isaac Wharton.

jan. 11 $

FOR SALE,
BY THE SUBSCRIBERS,
14 four pound Cannon, different lengths,
5 Carronades.
JOHN NIXON & CO.

December 1. $

NOTICE.

Joseph Thomas's Creditors are hereby earnestly requested to furnish their Accounts duly attested, as soon as convenient: thereby to enable the Assignees to form an idea of the state of his affairs:—and all those indebted to said THOMAS, are required to make immediate payment to either of the Subscribers.

SAMUEL W. FISHER, } Assignees
WILLIAM BUCKLEY, } of
JOHN HALL. } J. Thomas.

dec. 31. dtf

Hemp & Iron.

The CARGO *of the* BRIG FANNY, J. Brusenberg, master, from *St. Petersburg,*
—*CONSISTING OF*—
89 Bales Hemp,
1634 Bars Iron
11 Bales Ravens Duck
3 Ditto Russia Sheeting
FOR SALE BY
Pratt & Kintzing,
No. 95, North Water-street.

WHO HAVE ALSO FOR SALE.
200 Bales Ticklenburghs and Oznabrigs,
100 Ditto Hessians and Rolls,
Creas, Brittannias, Patterbornes, Bielefield Linen, Cheeks and Stripes, Brown Holland, Bunting, Sail Twine, Turkey Yarn, Hair Ribbon, Tapes, Bed Ticks, Hog's Bristles, Port Wine, Claret, Salt, Roll Brimstone, German Steel, Slates, Yellow Ochre, Window Glass, Pearl Barley, &c. &c.

feb 7 2aw3w

White Oak Logs—or
White Oak Pipe—WANTED.

PROPOSALS,
WILL BE RECEIVED,
On or before the 10th day of March,
For the Delivery,
To the Corporation of the City of Philadelphia, or their agent at any part within the said City of the WHOLE OR PART of
104,000 feet, running measure, of
WHITE OAK LOGS,
In lengths of ten or twelve feet,
Or of the same quantity, of
LOGS,
Bored into pipe, counterbored and tapped, *as under:*
24,000 feet to measure 13 inches at the thickest end, if bored, 4 1-2 inch pipe.
16,000 feet to measure 12 inches at the thickest end, if bored, 4 inch pipe.
64,000 feet to measure 11 inches at the thickest end, if bored, 3 inch pipe.
104,000

The Logs must be strait and free from shakes and knots: no sanity logs will on any account be received. Those who deliver proposals for bored logs, are requested to mention the price at which they will deliver the logs unbored, in case it should be found proper to bore them in Philadelphia.

Proposals in writing will be received by
B. Henry Latrobe, engineer.
South Twelfth street,
the first House from Market-street.

feb 8 $

Bricks Wanted.

PROPOSALS
WILL BE RECEIVED,
On or before the 21st day of the present month,
FOR DELIVERING,
To the Corporation of the City of Philadelphia or their agent—on any part of Chesnut-street, George-street, Broad-street, or Center-Square, between the Schuylkill and Center-Square, as shall be directed, the WHOLE, or
PART of
One Million of sound, hard burned
BRICKS.

No Sammel or piace Bricks will be received—One half of this quantity will be required to be delivered before the 21st of March next—the other before the 15th of May. It is desired that the proposals may mention the Yard from which the bricks are intended to be delivered, and that they be sent in writing to

B. Henry Latrobe, engineer.
South Twelfth street
the first house from Market-street.

feb 8 $

Just Received,
By the ships Juno, Walters, and Four Friends, Hubber, from Hamburg,
AND FOR SALE,
BY THE SUBSCRIBERS,

460 pieces 6-4 quadruples silesias
35 do. 8 4 do.
139 do. creas a la Morlaix
34 do. 9 8 coutils
3 do. 4-4 do.
44 do. 6-4 guingas
250 do. Russia sail-duck
10 pipes Ricarlo wine
25 hogsheads French brandy
80 do. claret
100 cases, at 4 doz. bottles each } claret of super-
228 do. at 1 do. do. do. } ior quality.

Also on Hand,
11 bales ticklenburgs. at 23 to 28 cents pr. ell
12 do. Weser linnen, at 16 to 20 cents pr. yard
1 box paterbornes
5 boxes hollow glass ware
5 casks Russia bristles (first quality)
Erick & Lewis Bollmann,
no. 100, Spruce street

feb. 13 $

For Sale,
Deliverable at Norfolk,
A CARGO OF
Honduras Mahogany, & Logwood.
For terms apply to
PHILIPS, CRAMOND, & CO.

February 9.

For Sale,
TEN or twelve Tons, Clover & Timothy
H A Y,
Of the first quality.—Apply at No. 43, Almond-street.

jan. 8. 1awtf

Copper Warehouse,
Late ALEXANDER BISLAND, & Co.
No. 201, MARKET-STREET,

ROBERT KID,

HAVING purchased the Stock of the above firm, Solicits the patronage of the public and their friends; where they may depend on being served on the very best terms with the following goods:
—*viz.*—
A general assortment of Copper Bottoms and Sheets, for Copper Smiths and other purposes,
Pig and Bar Lead,
Block Tin and Crowley Steel,
Tin in Boxes, and Brass Kettles in Nests,
With a large and general assortment of Ironmongery.

feb. 16. d1w w&sf

JOHN DOBBIN,
BOOT & SHOEMAKER.

RESPECTFULLY informs his Friends and the Public in general that he carries on his business at No 99 *South Second-street,* nearly opposite the Merchants Coffee-house where gentlemen may be supplied in the neatest and best manner—he assures those who may please to favor him with their commands that no attention or exertion on his side shall be wanting to render him worthy of their encouragement.

N. B. Orders received will be punctually attended to.

november 5 $

NOTICE.

ALL persons indebted to the Estate of WILLIAM HEYSHAM, late of the city of Charleston, and formerly of this city, mariner, deceased, are requested to make payment, and those who have demands, against said Estate, will please exhibit them to ROBERT HEYSHAM, Admr.

Philadelphia, Feb. 6, 1799 eod3w

UNITED STATES
vs.
CAPTAIN THOMAS LEWIS.

AT a general Court-martial, held at the city of Trenton, on Saturday, the twentieth of October, one thousand seven hundred and ninety-eight; pursuant to a warrant from James M'Henry, Esquire, Secretary for the Department of War, to investigate, try, and determine upon, certain charges and specifications, alledged against Captain Thomas Lewis:

The following members were present, viz.

Captain MAHLON FORD, President.

Captains.	*Lieutenants.*
George Ingersoll,	John M'Lellan,
James Stille,	Theodore Meminger,
Samuel Vance,	William Wilson,
Walter L. Cochran.	Geo. W. Carmichael.

The prisoner challenged Lt. George W. Carmichael, and the Secretary at War, in lieu of him, appointed lieutenant Ebenezer Massy.

The court being sworn, proceeded to business, and the charges as exhibited by major Thomas H. Cushing, were read, and were as follows:

Philadelphia, July 20, 1798.

"Captain Thomas Lewis, of the army of the United States, is hereby ordered in arrest, on the following charges, viz.

For behaving in a scandalous, and infamous manner, such as is unbecoming an officer and a gentleman.

1st. In writing me a note on the 18th instant, containing these words, viz.

"For your villainous interference against a just claim, which I had before Congress, I am determined to punish you:" thereby falsely insinuating that I had been guilty of villainous conduct: in a style as ungentlemanlike as it is false.

2d. In refusing to demonstrate, that I had interfered, as stated in the above note, after I had denied the fact, and called on him to prove it; and

3d. In publishing in the coffee-house of this city, on this day, that major Cushing is a paltroon, and no gentleman, or words to that effect; all which, together with such other specifications as may be given in before trial, will be fully proven by

T. H. CUSHING, Major,
1st Regiment of Infantry
in the service of the United States.

—

DEFENCE.

Mr. President, and Gentlemen of the Court,

Having been arrested and charged before you by major Cushing with "behaving in a *scandalous* and *infamous* manner such as is unbecoming an officer and a gentleman," I avail myself of the inestimable right of being heard in my defence. Major Cushing's right to order my arrest, I shall not dispute; but it is, nevertheless, rather singular that he should have exercised it in his own case, where no public necessity seemed to require it; and still more so, that in addition thereto he should appear against me in the various characters of party, accuser, and witness: but this mode of proceeding may, perhaps, best accord with the major's ideas of settling his personal altercations, and if so, I envy him not his feelings. My consolation, though of another kind, I can assure him is not less grateful to me, namely, that whenever an article of war evidently intended for one object, is artfully perverted to answer another, upright and impartial judges standing between the accuser and accused, will arrest the shaft that, under the pretext of public good, is aimed at the ruin of an innocent individual, and intended to avenge the quarrels and satiate the passions of a malevolent accuser.

The 1st article of the 7th section of the articles of war provides for the "punishment, *by arrest*, of such officers as shall use any reproachful or provoking speeches or gestures to another." And the 20th article of the appendix, for "the punishment by *dismission from service* of whatever commissioned officer shall be convicted before a general court martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman." And such is the zeal of my accuser for the *public* good, or the grovelings of a man fraught with malice as to induce the attempt to apply the latter article to a case, which, under no given circumstances, could be fairly extended beyond the former one.

It was foreseen that, in the course of events, personal altercations must, as is the case in all armies, arise between officers which might lead to provoking speeches, or gestures from one to another. And the punishment for *all* offences of this kind is provided for by *arrest* under the first article of the seventh section already mentioned. These provocations might be attended with a greater or less degree of aggravation, and the duration or severity of the arrest was, doubtless, intended to be commensurate with the offence. But it is conceived that when, by a positive law, a specific kind of punishment is attached to a specific class of offence, *that* punishment, and no other can be inflicted; more especially when another kind of punishment is specifically attached to another class of offence designated by the same law.

Whether the reproachful language mentioned in the first article of the seventh section be addressed in writing, or uttered verbally, cannot it is conceived, make any material difference, or if it can, the only consequence must be an increase of the duration, or the severity of the arrest, but it can afford no just ground for a prosecution under *another article* of war, obviously intended for a *different* class of offence, which will, by and by, be considered.

In proof of this, permit me to observe that although similar provisions to our own, or nearly so, are to be found in the military codes of most, if not all civilized nations, it was reserved for the fertile genius of my accuser to discover that the safest way of settling a personal altercation is to consider provoking language, though provoked by injury, and scandalous and infamous behaviour, unbecoming an officer and a gentleman, as the same thing, and then to get rid of his quarrel and his antagonist by having him dismissed the service for behaving in a scandalous and infamous manner, unbecoming an officer and a gentleman. This might, it is true, be a very convenient thing, which could not have escaped the discerning eye of my accuser, for men of a certain description of nerve, but to the real soldier, whose feelings are alive at every insult, and to whom honor is dearer than life, it would be worse than death. In the mouth of the former, and I dare say my accuser calculated upon it, it would put this answer to every claim of satisfaction for insult added to injury—"Away fellow! why talk to me of satisfaction?—You are not my equal. I am a soldier and a gentleman; you are neither. (You have been dismissed for behaving in a scandalous and infamous manner, unbecoming an officer and a gentleman;" while the latter must tamely submit to the galling indignity from a consciousness that the sentence of his brother soldiers had authorised it.

I scorn to make any other appeal than to your justice and wisdom; but I beg you to consider that if my accuser's construction prevail, one day or other some poltroon may be found artful and base enough to place any or all of you in this situation; and should that be the case, I leave you to judge what your feelings must be. If, on the contrary, the wide and important distinction, too clearly and strongly marked by the articles of war, to be mistaken, be attended to by those who are most interested in its preservation, provoking language will meet with punishment sufficiently severe, the brave soldier will preserve his honor untainted, and none but his inferiors in spirit and soldier-like conduct will lament that he is not dismissed the service with disgrace and infamy.

Before closing my observations on this head I must be allowed to add that in all armies, there are many brave officers, and, perhaps, some cowards. Brave men know how to settle *their* personal altercations without troubling courts martial, and others get rid of them as well as they can. But till now, no one ever had the address to call on a court-martial to take a personal quarrel off his hands, and settle it for him under an article calculated for the scandalous and infamous. Hence it is fair to conclude that the attempt is as unwarrantable as it is novel; since my accuser is not the first man who would have been glad to have got rid of a quarrel and an antagonist in this way, if it could have been legally done.

But my accuser has not thought proper to ground his charges against me on the first article of the seventh section of the articles of war, but on the 20th section of the appendix, with the hope of having me dismissed from the service for scandalous and infamous behavior, unbecoming an officer and gentleman. It therefore remains for me to refute this charge, or sink under it.

"Whatever commissioned officer," says this article, "shall be convicted before a general court-martial of behaving in a *scandalous* and *infamous* manner, such as is unbecoming an *officer* and a gentleman shall be dismissed the service." Being prosecuted on this, and no other article, it follows that if a conviction takes place, it must be for a violation of this, and no other article, and that, in case of a conviction, the court can take no alleviating circumstances into consideration in order to mitigate the punishment, and render it correspondent to the offence. But, on the contrary, the sentence must inevitably be a dismission from the service, for behaving in a scandalous and infamous manner, unbecoming an officer and a gentleman. The question therefore is not whether my conduct has been strictly justifiable, or blameable in *a certain degree*, but whether it has been such as to involve a violation of this article. And if it has not, an absolute acquital must necessarily follow.

It is difficult to conceive any just principles on which the terms *scandalous* and *infamous* could be applied to any part of my conduct in my controversy with major Cushing. But it is easy to conceive how the terms of an article of war may be improperly used and applied to wound the feelings of one officer and to gratify the resentment of another.

The term "*scandalous*" imports conduct *openly vile, disgraceful* and *flagitious*. The term "*infamous*" imports *publicly branded with guilt*, openly censured, *notoriety of bad character*, ignominious, stigmatized. Both terms imply conduct grossly immoral, and wicked; and when connected with the remainder of the sentence, "such as is unbecoming an officer and a gentleman" were evidently intended by Congress to designate persons disgraceful to the army, unworthy the society of gentlemen, and deserving of dismission from the company of all honest men. Will my accuser have the hardihood to say that I am a person of this description? do my judges believe it? Will my accuser venture to say that I am not, at least upon an equal footing with himself? Did he not acknowledge to captain Taylor that I was a gentleman? Does he, after this, believe his charge against me to be true? And does he, after this, expect my judges to say, in contradiction of his own acknowledgment, that my behaviour has been *scandalous* and *infamous*, unbecoming an officer and a gentleman?

Personal controversies reproachful or provoking language have, as already observed been provided for by another article, and if it were conceived, or proved that I had acted too hastily, or, on receiving information, which I believe to be true, had used improper terms to major Cushing, the highest punishment would be but an *arrest*.

I beg it may be understood, Mr. President, that these observations are merely intended to shew that an attempt has been made to prevert the articles of war to an improper purpose: and that my accuser's construction of them would be inadmissible even though there were neither justification nor excuse for my conduct. It will, however, I trust, appear that I am not in this predicament: and that with soldiers and gentlemen who have feelings which they will not condemn in others, I shall stand strictly justified in my conduct towards Major Cushing.

I was informed by Lieutenant Strother that about the first of July he was in company with Thomas Davis, esq. member of Congress from the state of Kentucky, and John Clopton and Anthony New, esqr's members of Congress from the state of Virginia, at the lodgings of the said New and Clopton, when a conversation arose respecting my claim before Congress for extra pay, as aid de camp to the late general Wayne, when commander in chief the army of the United States: That these gentlemen expressed their surprise that the said claim had not passed in the Senate, which from the nature of it, and the character of the claimant, they supposed would have been done without delay or difficulty: that he, (Mr Strother) replied that he suspected some persons who had been my enemies in the army, had taken pains to frustrate my claim, and that he named major Thomas Cushing of the army of the United States as one of those persons; and stated as a reason for his belief that a quarrel had formerly taken place between

major Cushing and myself, in which, in his opinion, major Cushing had been disgraced; in revenge for which he conceived it likely that he had used this method of injuring me; that Mr. Davis had seemed surprised at this information, and said that he never before heard of this quarrel, which, however, accounted to him for the conduct major Cushing had observed towards him upon the subject of the said claim when it was before the House of Representatives: that Mr. Davis added that he and major Cushing had, at that time, lodged together, and that major Cushing had labored to convince him that my claim was unjust—that the appointment of me as aid de camp had been given to me by the commander in chief, not for the good of the service, but merely to serve and gratify me: and that such an appointment never was necessary. That he (Mr. Strother) had replied, that on my arrival he should certainly inform me of this circumstance, for which it was probable major Cushing would be punished.

Of this, I was on my arrival here, informed, by Mr. Strother. Of the truth and accuracy of the information I neither have, nor ever had the least doubt. Under a full impression of its truth I acted as has already appeared to the court; and the question to be determined is, whether, under the circumstances of the case, my behaviour was *scandalous*, *infamous*, and unbecoming an officer and a gentleman?

To form a correct judgment on this head, it is necessary to examine the specifications, and the proofs; since if the particular charges, and the evidence brought to support them do not designate and prove a behaviour *scandalous*, *infamous* and unbecoming an officer and a gentleman, it is not in the power of my accuser to make it so; and the conclusion drawn by him, in order to bring the case within a particular article of the war, must fail, and the prosecution with it.

The behaviour imputed to me is charged to consist,

1st. In writing a note to major Cushing on the 18th of July, containing these words, *viz.* "For your villainous interference against a just claim which I had before Congress, I am determined to punish you. Thereby falsely insinuating that major Cushing had been guilty of "villainous conduct, and in a style as un-gentleman-like as it is false."

2d. "In refusing to demonstrate that major Cushing had interfered, as stated, after he had denied the fact, and called upon me to prove it."

3d. "In publishing in the Coffee House of the City of Philadelphia that major Cushing was a poltroon, and no gentleman, or words to that effect.

The cause of so much of my behaviour, charged as criminal by this specification, as is warranted by the evidence, has been already mentioned, and is, I trust, satisfactorily proved by lieutenant Strother. I had been appointed by the late gallant and patriotic general Wayne one of his aids de camp, in a toilsome and hazardous war, and I had reason to believe, that during hard marches, and severe campaigns, I had discharged my duty in a manner that was satisfactory to the general and to all my fellow soldiers, whose good opinions I was ambitious of obtaining. I had conceived I had a just claim against the United States for services which remained unrequitted, and had exhibited that claim to Congress for its adjustment; I had seen it sanctioned by a vote of a large majority of one branch of the legislature, and, when I least expected it, I had seen it rejected by the other branch. I had no doubt but that the members of that branch, as well as the other had acted impartially, and, in their opinions, justly. Such was, however, the nature of my claim as to leave no doubt, on my mind, but that they had been abused and deceived; and that I had been grossly injured by some lurking enemy, who had sought revenge in the *manly* way of backbiting and secret misrepresentations. I knew that dissentions had been industriously and insidiously fomented in the army, and I had seen the commander in chief abused and vilified in the party against him, and I also knew that a well intentioned, and well merited attachment to him had rendered many deserving officers as well as myself, obnoxious to the malcontents. I cast my eyes among them in search of the author of the injury done me, and my suspicions immediately fell on major Cushing. I knew him to be in town I knew that I had, on a former occasion, disgraced him, and I knew him too well to suppose that he would either forgive me, or seek for satisfaction in an open, manly way. With this knowledge, and under these impressions I remained silent until I received from Mr. Strother the information already mentioned. I could not entertain a moment's doubt of the veracity either of him, or the honorable Mr. Davis. The former has verified his statement under the solemn sanction of an oath, administered before you, and that of the former I certainly should procure if I deemed it at all necessary. Judge then, I beseech you, what *must* my feelings have been when I saw the memory of a general, deservedly dear to every meritorious officer and soldier who had ever fought under him, attempted to be tarnished by a charge of "having *appointed me aid de camp merely for the purpose of serving me, and without any regard to the good of the service!* ask yourselves what my feelings must have been at seeing malice, not weeping like Cæsar at the death of Pompey, over the grave of its object, but sharpening its edge to mangle all that remained of the officer's and soldiers friend. *How sensibly alive* must my feelings, as a soldier, have been at my seeing my appointment represented by an enemy, whom I had disgraced, as a mere sinecure! as an office given me merely for the purpose of serving *me!*—and without any regard to the good of the service! and still more so, at finding the same enemy secretly and constantly laboring with a member of Congress before whom my claim had been depending, to convince him that it was unjust, and ought not to have been paid. Yet even all this, it is possible I might have passed over, had it affected me alone; but when I found myself secretly and insidiously charged with living on the public bounty through the corruption of my general—eating its bread without earning it, and to consummate the whole, with exhibiting a claim against the public, which, from the statement, I must know to be altogether unfounded; and when further I considered that the memory of the general who had appointed me was no less involved than myself in this complicated charge of fraud and corruption upon the public, I must confess that I had not sufficient command over my own feelings to suppress them, and I fervently pray that *that* moment, should it ever arrive when I can, may be my last!—I therefore, on the 18th of July sent, by my friend captain Taylor, a letter to major Cushing, containing the expressions mentioned in the first article of the specifications. The honorable Mr. Davis had, as appears in evidence left Congress and returned to Kentucky before I received his statement from Mr Strother, or it is probable I should have applied to him on the subject before taking notice of major Cushing. Lieutenant Strother did, it is true, desire me, if I had any doubts respecting the truth of his account to apply to Messrs. Clopton and New, members of Congress from Virginia, who were then in Philadelphia, and who were present at the conversation between him and Mr. Davis.

But as I had no such doubts, and as they could give me no further information than Lieut. Strother had done, I deemed the application unnecessary. From one of these I have received a certificate, corroborating Mr. Strother's statement, to the truth of which, he, Lieut Strother, has since sworn;

Permit me now to ask, was it under these circumstances of the case, behaving in a *scandalous* and *infamous* manner, such as is unbecoming an officer and a gentleman to write, and send the letter by Captain Taylor? I confidently trust it was not; though these epithets might have been justly applied to me, had I not either written at all, or expressed myself in terms more mild. Admitting, for the sake of argument, that I had mistaken, or misapplied the fact stated in my note, or that it had turned out that Lieut. Strother's information was unfounded; still my behaviour would have fallen far short of the terms bestowed on it. Is it *scandalous* or *infamous*, or behaving in such a manner as is unbecoming an officer and a gentleman to resent an injury, which you have every reason to suppose you have received by the improper conduct of another? Is it *scandalous* or *infamous* to threaten to punish wrongs, and to express yourself in terms commensurate to the insult which you have such reason to believe you have received? If not, and surely no soldier will contend for it, this charge must be groundless.

It is the intention with which an act is done that renders it criminal in a greater or lesser degree, or entirely innocent. He who beats another upon apparently well founded information, and under an idea of having been reviled by him, was never yet deemed scandalous and infamous on that account, even though it should afterwards appear that he was mistaken.

It is, however stated that, by that note I "*falsely* insinuated, that major Cushing had been guilty of *villainous* conduct." To this I answer, that it must appear I had sufficient reason for believing his conduct to be such as I mentioned; and I am so far from believing the insinuation to be false, as to have no doubt on my mind of its being strictly true.

Major Cushing, it is true, denies having ever interfered with any member of Congress, respecting my claim. But this evidence ought, in my opinion, to be received with many grains of allowance, when the various characters in which he appears in this business as mentioned in the early stage of these remarks, are taken into consideration.

But further, major Cushing admits that he was several times in company with members of Congress when the subject of my claim was mentioned, at which times, it was possible, he might have made such observations as he supposed were proper upon the occasion; but he denies that he ever gave a *direct* opinion that the claim was improper; and adds, that he never *introduced* the subject to any Senator or Representative. What idea the major meant to convey, with what he may deem a safe conscience, when he says that he never interfered with my claim, is pretty evident from his saying that he never *introduced* the subject to any Senator or Representative, since he admits that he was several times in company with members of Congress, when the subject of my claim was mentioned, and does not deny having, on those occasions, made use of such observations as he thought proper. Does the major then mean to convey the idea, that he never interfered with my claim, because he never *introduced* the subject, although in several conversations with members of Congress respecting it, he made use of such observations as he supposed were proper on the occasion? Is not the interference the same in either case; and can it make any material difference whether the subject was *introduced* by him, or caught hold of and pursued by him whenever it happened to be mentioned by others? But again, the major, if he is to be believed, does not remember what any of these observations were; therefore, the court cannot, from his evidence, form any judgment of these amounting to an improper interference, or not, and of course, a correct opinion can only be formed by considering Mr. Davis's statement, as sworn to by lieut. Strother.

But there are two parts of the major's evidence in which he seems not to have been sufficiently guarded, and which, if alluded to, will shew how much weight is due to the other parts of his evidence. In one of them he says, "He never gave a *direct* opinion that my claim was improper." Surely this is a full admission that he gave an *indirect* opinion of its being so; otherwise he would have denied the one as well as the other.

If I am right in this, I am warranted in saying his conduct was not the less calculated to have its intended effect of doing me an injury, than if it had been conveyed in *direct* terms, which might have created suspicion, and defeated his object. Every body knows, even without Stern's celebrated sermon on Backbiting, that *indirect* hints insidiously intended to convey doubts, under an apparent concern, lest there may be too much foundation for them, generally do more injury than *direct* charges

Again, major Cushing being asked if he did not at any time, when my claim was before Congress, tell Mr. Davis, a member from Kentucky "that the appointment given me by General Wayne was for the purpose of serving me, and not, in his opinion for the good of the service?" answered, that he had no recollection of having said so to him, *but it is possible he may have made such an observation*," but not with a view of injuring me.

After such an admission, how can major Cushing say he never interfered with my claim?—and what credit can be due to such evidence; as to his views, and they can only be judged by his actions.

I have now done with this charge, and am only afraid that I have taken up more time in refuting it than it merited.

The next charge is for behaving in a *scandalous* and *infamous* manner, &c. in refusing to *demonstrate* that major Cushing had interfered as stated, after he had denied the fact, and called on me to prove it.

What kind of demonstration the major required I will not pretend to say: but it is reasonable to suppose it to be nothing short of *mathematical*, since this is the only kind of *demonstration* I have any knowledge of. I can, *however*, assure him that little short would be necessary to convince me of his innocence.

But be this as it may, I had, on a former occasion, been made too well acquainted with the major's mode of explanation, after doing an injury, and being called to an account for it, to consent to meet him for any such purpose. There is but one kind of personal altercation that I can ever agree to have with him, and I know him too well to believe that he will ever agree to that kind of personal altercation with me.—So that our disputes are, probably, drawing to a close.

In addition to this he knew, *and I knew*, that Mr. Davis had returned to Kentucky, and would not be here for some time. Delays, procrastination, prevarication, and subtleties I knew to be his usual weapons of defence—they were not mine. The wound inflicted on the memory of General Wayne, and on my honor could not remain for months without a probe. I therefore determined on a speedy remedy in a case that would not admit of delay.

In this determination I was certainly justified by the verbal message brought me by captain Taylor from major Cushing, "That if I persisted in this thing, he, major Cushing, would disgrace me, and that this was the answer he was to bring me."

I will not insult the spirit and feelings of my judges by asking them whether there is any one of them, who, after receiving such a message, would convey an answer through any other medium than the Coffee-house books, or a public newspaper; or, if he could bring himself to express in any other language than that made use of by

Signed. T. LEWIS,

October 30th.

The court assembled pursuant to adjournment. Captain Lewis made his defence, and the court find that the prisoner is not guilty *of the charge on which he has been tried, and therefore* do acquit him.

(Signed)
MAHLON FORD,
Capt. Artillerist & Engineers, and President.

(Signed)
CHARLES WILLING HARE,
Judge advocate pro hac.

The President of the United States having fully considered the proceedings of a General Court Martial, which was convened at the city of Trenton, in the state of New-Jersey, by virtue of a warrant issued from the War-Office, and sat from the 20th to the 30th, inclusive, October 1798, for the trial of capt. Thomas Lewis on the charge and specifications thereof, exhibited in a paper of which the following is a copy, viz.

Philadelphia, 20th July, 1798.

Captain Thomas Lewis, of the army of the United States, is hereby ordered in arrest, on the following charge, viz. For behaving in a scandalous and infamous manner, such as is unbecoming an officer, and a gentleman:

1st. In writing me a note, on the 18th instant, July 1798, containing these words, viz.—"For your villainous interference against a just claim which I had before Congress, I am determined to punish you," thereby falsely insinuating that I had been guilty of villainous conduct, and in a style as ungentlemanlike as it is false.

2d. In refusing to demonstrate that I had interfered, as stated in the above note, after I had denied the fact, and called on him to prove it.

3d. In publishing in the coffee house of this city, on this day, (the 20th July 1798) that major Cushing is a paltroon and no gentleman, or words to that effect, all which, together with other specifications as may be given in full trial, will be fully proven by

T. H. CUSHING, Major 1st Reg't of Infantry in the service of the U. S.

Together with the defence of capt. Lewis, and the sentence of the court, viz.—"That the prisoner is not guilty of the charge on which he has been tried, and therefore do acquit him."

I am commanded to make known, that the President approves of the aforesaid sentence, from a conviction that the court could not have done otherwise, than acquit captain Lewis of behaviour that was scandalous *and* infamous; *but is of opinion, that captain Lewis, in the style of his first note to major Cushing, neglected the urbanity and decorum becoming an officer, and in this particular is therefore reprehensible for his error.*

GIVEN at the War-Office of the United States, in Philadelphia, this 14th day of January, 1799, and in the 23d year of the Independence of said States.

(Signed) *JAMES M'HENRY,*
Secretary of War.

THE foregoing resolution of a general Court Martial, which was convened at the city of Trenton, in the state of New-Jersey, by virtue of a warrant, issued from the War Office, and sat from the 20th to the 30th inclusive, October 1798, for the trial of captain Thomas Lewis, and the sentence of the court, together with the defence made by captain Lewis, and the approval of the aforesaid sentence by command of the President, are true copies, from the originals, on file, in the War Office of the United States.

JOHN CALDWELL,
Ch. Clk. War Dpmt.

War Office, 6th Feb. 1799.

December 28, 1798.

WHEN the claim of major Thomas Lewis as extra aid de camp to general Wayne was before Congress the second time, I asked major Thomas Cushing his opinion of the claim. He said it was not founded on law, and he believed the appointment of extra aid was useless and given to Lewis as a matter of conveniency, to afford him an opportunity of settling his private business, and that major Lewis had told him so, or words to that import. Other conversation did pass, but the particular words I cannot remember; however, it amounted fully to this, viz. that the claim of Thomas Lewis was unjust, and ought not to be granted.

THOMAS DAVIS.

Major Thomas Lewis.

[Capt. Lewis declares that so far from having made use of any of the expressions to Major Cushing, contained in the certificate of Mr. Davis, that he never had a conversation with him at any time on the subject of his appointment as Aid-de-Camp to General Wayne.]

REPORT

OF THE COMMITTEE

To whom were referred, on the 12th inst. certain MEMORIALS and PETITIONS complaining of the act, intitled, "an act "Concerning Aliens," And OTHER LATE ACTS of the Congress of the United States.

[Made the order for this day, Feb. 25.]

The COMMITTEE, *to whom were referred the Memorials of sundry inhabitants of the counties of Suffolk and Queen, in the state of New-York; of Essex county in New-Jersey; of the counties of Philadelphia, York, Northampton, Mifflin, Dauphin, Washington, and Cumberland, in Pennsylvania; and of the county of Amelia, in Virginia, complaining of the act, entituled "an act concerning aliens," and other late acts of Congress, submit the following*

REPORT:—

IT is the professed object of these petitions to solicit a repeal of the two acts passed during the last session of congress, the one "an act concerning aliens," the other "an act, in addition to an act for the punishment of certain crimes against the United States," on the ground of their being unconstitutional, oppressive and impolitic.

The committee cannot, however, forbear to notice, that the principal measures hitherto adopted for repelling the aggressions and insults of France have not escaped animadversion.

Complaints are particularly directed against the laws providing a navy—for augmenting the army—authorising a provisional army, and corps of volunteers—for laying a duty on stamped vellum, parchment, and paper—assessing and collecting direct taxes—and authorising loans for the public service.

With these topics of complaint, in some of the petitions, are intermingled invectives against the policy of the government from an early period, and insinuations derogatory to the character of the legislature, and of the administration.

While the committee regret that the public councils should ever be invited to listen to other than expressions of respect, they trust that they have impartially considered the questions referred to their examination, and formed their opinions on a just appreciation of their merits, with a due regard to the authority of government, and the dispassionate judgment of the American people.

The act concerning aliens, and the act in addition to the act, intituted an act for the punishment of certain crimes, shall be first considered.

Their *constitutionality* is impeached. It is contended, that congress have no power to pass a law for removing aliens.

To this it is answered, that the asylum given by a nation to foreigners is mere matter of favor, resumable at the public will. On this point, abundant authorities might be adduced, but the common practice of nations attests the principle.

The right of removing aliens, as an incident to the power of war and peace according to the theory of the constitution, belongs to the government of the United States. By the 4th section of the 4th article of the constitution, congress is required to protect each state from invasion, and is vested by the 8th section of the 5th article, with power to make all laws, which shall be proper to carry into effect all powers vested by the constitution in the government of the United States, or in any department, or officer thereof; and to remove from the country, in times of hostility, dangerous aliens, who may be employed in preparing the way for invasion, is a measure necessary for the purpose of preventing invasion, and of course, a measure that congress is empowered to adopt.

The act is said to be unconstitutional, because to remove aliens, is a direct breach of the constitution, which provides, "by the 9th section of the 1st article, that the migration, or importation of such persons as any of the states shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808."

To this it is answered, that this section in the constitution was enacted solely in to prevent congress from prohibiting, until after a fit period, the importation of SLAVES, which appears from two considerations. First, that the restriction is confined to the states which were in existence at the time of establishing the constitution; and secondly, that it is to continue only twenty years, for neither of which modifications could there have been the least reason had the restriction been intended to apply, not to slaves particularly, but to all emigrants in general.

Secondly. It is answered, that to prevent emigration in general, is a very different thing from sending off, after their arrival, such emigrants as might abuse the indulgence, by rendering themselves dangerous to the peace or safety of the country, and that if the constitution, in this particular should be so construed, it would prevent congress from driving a body of armed men from the country, who might land with views evidently hostile.

Thirdly, That as the Constitution has given to the states no power, to remove aliens, during the period of the limitation under consideration, in the mean time on the construction assumed, there would be no authority in the country, empowered to send away dangerous aliens, which cannot be admitted; and that on a supposition the aforesaid restrictive clause included every description of emigrants, the different sections must recieve such a construction as shall reconcile them with each other; and according to a fair interpretation of the different parts of the Constitution, the section cannot be considered as restrictive on the powers of Congress to send away dangerous foreigners in times of threatened or actual hostility. And though the United States at the time of passing this act, were not in a state of declared war, they were in a state of partial hostility, and had the power, by law, to provide, as by this act they have done, for removing dangerous aliens.

This law is said to violate that part of the Constitution which provides that the trial of all crimes, except in cases of impeachment shall be by jury; whereas this act invests the President with power to send away aliens on his own suspicion, and thus to inflict punishment without trial by jury.

It is answered in the first place, that the Constitution was made for CITIZENS, not for ALIENS, who of consequence have no RIGHTS under it, but remain in the country, and enjoy the benefits of the laws, not as matter of right, but merely as matter of favour and permission, which favour and permission may be withdrawn, whenever the government charged with the general welfare shall judge their further continuance dangerous.

It is answered in the second place, that the provisions in the Constitution relative to presentment and trial of offences by juries, do not apply to the revocation of an asylum given to aliens. Those provisions solely respect crimes, and the alien may be removed without having committed any offence, merely from motives of policy or security. The citizen, being a member of society, has a right to remain in the country, of which he cannot be disfranchised, except for offences first ascertained, on presentment and trial by jury.

It is answered thirdly, that the removal of aliens, though it may be convenient to them, cannot be considered as a punishment inflicted for an offence, but, as before remarked, merely the removal from motives of general safety, of an indulgence which there is danger of their abusing, and which we are in no manner bound to grant or continue.

The "Act in addition to an act, intituled an act for the punishment of certain crimes against the United States" commonly called the sedition act, contains provisions of a twofold nature; first, against seditious acts and, second, against libellous and seditious writtings. The first have never been complained of, nor has any objecton been made to its validity: The objection applies solely to the second; and on the ground, in the first place, that Congress have no power by the Constitution to pass any act for punishing libels, no such power being expressly given, and all powers not given to Congress, being reserved to the states respectively, or the people thereof.

To this objection it is answered, that a law, to punish false, scandalous and malicious writings against the government with intent to stir up sedition, is a law necessary, for carrying into effect the power vested by the Constitution in the government of the United States, and in the departments and officers thereof, and consequently such a law as Congress may pass: because the direct tendency of such writings is to obstruct the acts of the government by exciting opposition to them, to endanger its existence by rendering it odious and contemptible in the eyes of the people, and to produce seditious combinations against the laws, the power to punish which has never been questioned: because it would be manifestly absurd to suppose that a government might punish sedition, and yet be void of power to prevent it by punishing those acts, which plainly and necessarily lead to it: And because under the general power to make all laws proper and necessary for carrying into effect the powers vested by the Constitution in the government of the United States, Congress has passed many laws for which no express provision can be found in the Constitution, and the constitutionality of which has never been questioned; such as the first section of the act now under consideration, for punishing seditious combinations; the act passed during the present session, for punishing persons who, without authority from the government, shall carry on any correspondence relative to foreign affairs with any foreign government;—the act for the punishment of certain crimes against the United States which defines and punishes misprison of treason; the 10th and 12th sections, which declare the punishment of accessaries to piracy, and of persons who shall confederate to become pirates themselves or to induce others to become so,—the 15th section which inflicts a penalty on those who steal or falsify the record of any court of the United States; the 18th and 21st sections, which provide for the punishment of persons committing perjury in any court of the United States, or attempting to bribe any of their judges; the 22d section, which punishes those who obstruct or resist the process of any court of the United States, and the 23d against rescuing the offenders who have been convicted of any capital offence before those courts; provisions, none of which are expressly authorised, but which have been considered as constitutional, because they are necessary and proper for carrying into effect certain powers expressly given to Congress.

It is objected to this act, in the second place, that it is expressly contrary to that part of the constitution which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the liberty of the press."—The act in question is said to be an "abridgment of the liberty of the press," and therefore unconstitutional.

To this it is answered, in the first place, that the liberty of the press consists not in a licence for every man to publish what he pleases, without being liable to punishment if he should abuse this licence to the injury of others; but in a permission to publish without previous restraint, whatever he may think proper, being answerable to the public and individuals, for any abuse of this permission to their prejudice; in like manner as the liberty of speech does not authorize a man to speak malicious slanders against his neighbour, nor the liberty of action justify him in going by violence into another man's house, or in assaulting any person whom he may meet in the streets. In the several states the liberty of the press has always been understood in this manner, and no other; and the constitution of every state, which has been framed and adopted since the declaration of independence, asserts "the liberty of the press," while in several if not all, their laws provide for the punishment of libellous publications, which would be a manifest absurdity and contradiction, if the liberty of the press meant to publish any and every thing, without being amenable to the laws for the abuse of this licence. According to this just, legal, and universally admitted definition of "the liberty of the press," a law to restrain its licentiousness, in publishing false, scandalous, and malicious libels against the government, cannot be considered as "an abridgement" of its "liberty."

It is answered, in the second place, that the liberty of the press did never extend, according to the laws of any state, or of the United States, or of England, from whence our laws are derived, to the publication of false, scandalous and malicious writings against the government, written or published with intent to do mischief, such publications being unlawful, and punishable in every state; from whence it follows, undeniably, that a law, to punish seditious and malicious publications, is not an abridgement of "the liberty of the press," for it would be a manifest absurdity to say, that a man's liberty was abridged by punishing him for doing that which he never had a liberty to do.

It is answered thirdly, that the act in question cannot be unconstitutional, because it makes nothing penal that was not penal before, and gives no new powers to the court, but is merely declaratory of the common law, and useful for rendering that law more generally known, and more easily understood. This cannot be denied, and if it be admitted, as it must be, that false, scandalous, and malicious libels against the government of the country, published with intent to do mischief, are punishable by the common law; for by the 2d section of the 3d article of the constitution, the judical power of the United States is expressly extended to all offences arising under the constitution. By the constitution, the government of the United States is established, for many important objects, as the GOVERNMENT OF THE COUNTRY; and libels against that government, therefore, are offences arising under the constitution, and consequently are punishable at common law by the courts of the United States. The act, indeed, is so far from having *extended* the law, and the power of the court, that it has abridged both, and has enlarged instead of abridging the "liberty of the

preſs;" for at common law, libels againſt the government might be puniſhed with fine and impriſonment at the diſcretion of the court, whereas the act limits the fine to two thouſand dollars, and the impriſonment to two years; and it alſo allows the party accuſed to give the TRUTH in evidence for his juſtification, which by the common law was expreſsly forbidden.

And laſtly, it is anſwered, that had the conſtitution intended to prohibit Congreſs from legiſlating at all on the ſubject of the preſs, which is the conſtruction whereon the objections to this law are founded, it would have uſed the ſame expreſſions as in that part of the clauſe which relates to religion, and religious teſts; whereas the words are wholly different: "Congreſs," ſays the conſtitution, (amendment 3d) "ſhall make no law RESPECTING an eſtabliſhment of religion, or PROHIBITING the free exerciſe thereof, or ABRIDGING the freedom of ſpeech, or the preſs." Here it is manifeſt that the conſtitution intended to prohibit Congreſs from legiſlating at all on the ſubject of *religious eſtabliſhments*, and the prohibition is made in the moſt expreſs terms. Had the ſame intention prevailed reſpecting the preſs, the ſame expreſſions would have been uſed, and Congreſs would have been "prohibited from paſſing any law *reſpecting* the preſs." They are not, however, "prohibited" from legiſlating at all on the ſubject, but merely from *abridging* the liberty of the preſs. It is evident they may legiſlate reſpecting the preſs, may paſs laws for its regulation, and to puniſh thoſe who pervert it into an engine of miſchief, provided thoſe laws do not "abridge" its "liberty." Its LIBERTY, according to the well-known and univerſally admitted definition, conſiſts in permiſſion to publiſh, without any previous reſtraint upon the preſs, and not one to inflict puniſhment on wicked and malicious publications, would be a law to abridge the liberty of the preſs, and as ſuch, unconſtitutional.

The foregoing reaſoning is ſubmitted as vindicating the validity of the laws in queſtion.

Although the committee believe that each of the meaſures adopted by Congreſs during the laſt ſeſſion, is ſuſceptible of an analytical juſtification, on the principles of the conſtitution, and national policy, yet they prefer to reſt their vindication on the true ground of conſidering them as parts of a general ſyſtem of defence, adapted to a criſis of extraordinary difficulty and danger.

It cannot be denied that the power to declare war; to raiſe and ſupport armies; to provide and maintain a navy; to ſuppreſs inſurrections, and repel invaſions, and alſo the power to defray the expence by loans or taxes, are veſted in Congreſs. Unfortunately for the preſent generation of mankind, a conteſt has ariſen and rages with unabated ferocity, which has deſolated the faireſt portions of Europe, and ſhaken the fabric of ſociety through the civilized world. From the nature and effects of this conteſt, as developed in the experience of nations, melancholy inferences muſt be drawn, that it is unſuſceptible of the reſtraints which have either deſignated the objects, limited the duration, or mitigated the horrors of national contentions. In the internal hiſtory of France, and in the conduct of her forces and partizans in the countries which have fallen under her power, the public councils of our country were required to diſcern the dangers which threatened the United States, and to guard not only againſt the uſual conſequences of war, but alſo againſt the effects of an unprecedented combination to eſtabliſh new principles of ſocial action, on the ſubverſion of religion, morality, law and government. Will it be ſaid, that the raiſing of a ſmall army, and an eventual proviſion for drawing into the public ſervice a conſiderable proportion of the whole force of the country, was in ſuch a criſis unwiſe, or improvident?

If ſuch ſhould be the aſſertion, let it be candidly conſidered, whether ſome of our fertile and flouriſhing ſtates did not, ſix months ſince, preſent as alluring objects for the gratification of ambition or cupidity as the inhoſpitable climate of Egypt What then appeared to be the comparative difficulties between invading America and ſubverting the Britiſh power in the Eaſt-Indies? If this was a profeſſed, not real object, of the enterprize, let it be aſked, if the Sultan of the Ottoman Empire was not really the friend of France, at the time when his unſuſpecting dependencies were invaded; and whether the United States were not at the ſame time loaded with inſults and aſſailed with hoſtility? if however, it be aſſerted, that the ſyſtem of France is hoſtile only to deſpotic, or monarchical governments, and that our ſecurity ariſes from the from of our Conſtitution, let Switzerland, firſt divided and diſarmed by perfidious ſeductions, now agonized by relentleſs power, illuſtrate the conſequences of ſimilar credulity. Is it neceſſary at this time to vindicate the naval armament; rather may not the inquiry be boldly made, whether the guardians of the public weal wou'd not have deſerved and received the reproaches of every patriotic American, if a contemptible naval force had beed longer permitted to intercept our neceſſary ſupplies, deſtroy our principal ſource of revenue, and ſeize, at the entrance of our harbours and rivers, the product of our induſtry deſtined to our foreign markets? If ſuch injuries were at all to be repelled, is not the reſtriction which confined captures by our ſhips ſolely to armed veſſels of France a ſufficient proof of our moderation?

If therefore naval and military preparations were neceſſary, a proviſion of fund to defray the conſequent expenſes was of courſe indiſpenſible; a review of all the meaſures that have been adopted ſince the eſtabliſhment of the government, will prove that Congreſs have not been unmindful of the wiſhes of the American people, to avoid an accumulation of the public debt; and the ſucceſs which has attended theſe meaſures, affords concluſive evidence of the ſincerity of their intentions. But to purchaſe ſufficient quantities of military ſupplies, to eſtabliſh a navy, and provide for all the contingencies of an army, without recourſe to new taxes and loans, was impracticable; both meaſures were in fact adopted—in deviſing a mode of taxation the convinience and eaſe of the leaſt wealthy claſs of the people were conſulted as much as as poſſible, and altho' the expenſes of aſſeſſment have furniſhed a topic of complaint, it is found that the allowances are barely ſufficient to enſure the execution of the law, even aided as they are by the diſintereſted and patriotic exertions of worthy citizens—beſides it ought to be remembered that the expenſes of organizing a new ſyſtem, ſhould not on any principle, be regarded as permanent burden on the public.

In authorizing a loan of money, Congreſs have not been inattentive to prevent a permanent debt; in this particular alſo the public opinion and intereſt have been conſulted. On conſidering the law, as well as the manner in which it is propoſed to be carried into execution, the Committee are well ſatisfied in finding any exceſs in the immediate charge upon the revenue, is likely to be compenſated by the facility of redemption, which is ſecured to the government.

The Alien and Sedition acts ſo called, form a part, and, in the opinion of the committee, an eſſential part of theſe precautionary and protective meaſures, adopted for our ſecurity.

France appears to have an organized ſyſtem of conduct towards foreign nations—to bring them within the ſphere, and under the dominion of her influence and controul. It has been unremittingly purſued under all the changes of her internal polity. Her means are in wonderful coincidence with her ends:—Among theſe, and not leaſt ſucceſsful, is the direction and employment of the active and verſatile talents of her citizens abroad, as emiſſaries and ſpies. With a numerous body of French citizens and other foreigners, and admoniſhed by the paſſing ſcenes in other countries, as well as by aſpects in our own knowing they had the power, and believing it to be their duty, Congreſs paſſed the law reſpecting Aliens, directing the *dangerous* and *ſuſpected*, to be removed and leaving to the *inoffenſive* and *peaceable* a ſafe aſylum.

The principles of the ſedition law, ſo called, are among the moſt ancient principles of our government. They have been ingrafted into ſtatutes, or practiſed upon as maxims of the common law, according as occaſion required. They were often and juſtly applied in the revolutionary war. It is not ſtrange, that now they ſhould be denounced as oppreſſive, when they have long been recognized in the juriſprudence of theſe ſtates!

The neceſſity that dictated theſe acts in the opinion of the committee ſtill exiſts.

So excentric are the movements of the French government, we can form no opinion of their future deſigns towards our country. They may recede from the tone of menace and inſolence, to employ the arts of ſeduction, before they aſtoniſh us with their ultimate deſigns. Our ſafety conſiſts in the wiſdom of the public councils, a co-operation on the part of the people with the government, by ſupporting the meaſures provided for repelling aggreſſions, and an obedience to the ſocial laws.

After a particular and general review of the whole ſubject referred to ther conſideration, the committee ſee no ground for reſcinding theſe acts of the Legiſlature. The complaints preferred by ſome of the petitioners may be fairly attributed to a diverſity of ſentiment naturally to by expected, among a people of various habits and education, widely diſperſed over an extenſive country—the innocent miſ-conceptions of the American people will, however, yield to reflection and argument, and from *them* no danger is to be apprehended.

In ſuch of the petitions, as are conceived in a ſtyle of vehement and acrimonious remonſtrance, the committee perceive too plain indications of the principles of that exotic ſyſtem which convulſes the civilized world. With this ſyſtem, however organized, the public councils cannot ſafely parley, or temporize, whether it aſſumes the guiſe of patriotiſm to miſlead the affections of the people—whether it be employed in forming projects of local and exentric ambition, or ſhall appear in the more generous form of open hoſtility, it ought to be regarded as the bane of public as well as private tranquility and order.

Thoſe to whom the management of public affairs is now confided, cannot be juſtified in yielding any eſtabliſhed principles of law or government to the ſuggeſtions of modern theory; their duty requires them to reſpect the leſſons of experience, and tranſmit to poſterity the civil and religious privileges which are the birthright of our country, and which it was the great object of our happy conſtitution to ſecure and perpetuate.

Impreſſed with theſe ſentiments, the Committee beg leave to report the following reſolutions:

Reſolved, That it is inexpedient to repeal the act paſſed the laſt ſeſſion, intituled "An act concerning aliens."

Reſolved, That it is inexpedient to repeal the act paſſed the laſt ſeſſion, intituled "An act in addition to the act intituled "An act for the puniſhment of certain crimes againſt the United States."

Reſolved, That it is inexpedient to repeal any of the laws reſpecting the navy, military eſtabliſhment, or revenue of the United States.

January 23d, 1799.

IN purſuance of a reſolve of the Preſident and Managers of the Delaware and Schuylkill Canal Company,

The Stockholders are hereby notified and required to pay ten dollars on each of their reſpective ſhares of ſtock, on or before the firſt day of March next, to the Treaſurer of the Company at their office near the Bank of Pennſylvania.

Extract from the minutes,
GEORGE WORRALL, Sec'ry.
WILLIAM GOVETT, Treaſurer.
jan. 25. frſa4w.

The Gazette.

PHILADELPHIA,

TUESDAY EVENING, *FEBRUARY 26.*

MR. REGIS LEBLANC.

SIR,

WHEN a foreigner, under whatever garb he may think proper to aſſume, either as an acknowledged character or not, takes upon himſelf, after the manner of Mr. Genet and other authoriſed agents of the French republic, to addreſs or appeal to the people of the United States, in order to vindicate their unparalleled aggreſſions, it is of little conſequence in what manner it is done, whether by a direct addreſs, or in the form of a letter to an individual. As you have choſen the latter mode, and thought proper to make uſe of my name, as the mean of perverting the principles of exiſting differences between the two countries, I feel myſelf called on to reply to your letter, addreſſed to me through the Aurora of the 23d inſt.

Your intention of deſtroying the veracity due to my letters, and thoſe addreſſed to the Secretary of the Navy, I truſt will meet with the contempt it merits. The treatment and ſufferings of my countrymen, who have already returned from captivity, and of thoſe who are daily expected, will ſubſtantiate the facts already before the public.

Juſtice to myſelf, and the reſpect I conceive due to the public opinion, will induce me to enter fully into your letter; not from inclination to relate facts that are as well known to you as myſelf, or from any deſire of convincing the *party*, who I ſuſpect have you in tow, but to elucidate French principles.

In reply to the extract of a letter written to my friend in St. Bartholomews, which you notice in yours, I aver it to be a fact, from concurrent circumſtances, it was my opinion, as well as that of my officers, we ſhould be impriſoned. And after the delivery of my letter of the 6th Jan. to Mr. Desforneaux, which you quote, though not very correctly, my apprehenſions were nearly realized—for, on my refuſing to accept the command of the Retaliation, he threatened impriſonment, treated me cavalierly, and behaved in a very ungentlemanly manner.

You mentioned that my frankneſs produced a different effect from what I expected. This I poſitively deny. The change of ſentiment originated from a ſteady refuſal of accepting the ſchooner, unleſs I was compelled to do ſo; and that he would inform the Executive the preciſe ſituation in which I ſtood. Probably from political motives a change of ſentiment took place, and he then treated me with rather more politeneſs, until the evening I left Guadaloupe. The treatment I then received you are no ſtranger to; I ſhall however mention it for the information of the public.

You ſay it has been publicly reported, that I was in cloſe confinement 40 or 50 days—I am not accountable for idle reports, and my letters contradict every thing of the kind—you certainly could not have peruſed them, or you would not have noticed it.

You appeal to me if I was not treated with politeneſs by captain St. Laurent and officers—I have already declared, that I received every attention from them, which I acknowledge with gratitude.

To captain St. Laurent, and not to Mr. Desforneaux, myſelf and officers were indebted for our liberty on board the different veſſels; he aſſured me that he had received orders to ſend us on ſhore to be impriſoned with our crew.

After being twelve days detained on board, I obtained the liberty of reſiding on ſhore, "expreſsly ordered not to wear my uniform:" great merit no doubt ought to be given to Mr. Desforneaux for his mark of politeneſs: appeal to your own officers in this country, if they have not met with more liberal treatment.

You mention Mr. Desforneaux's attention and civilities to me, viz. invitations to dinner, lending money, &c. My reply to you, on being aſked to dine with him, that I conſidered it merely as a compliment, and that unleſs I was permitted to appear in my uniform, I would not accept any invitations. This circumſtance you communicated to his Secretary Mr. Bevaurly. Did not a conſiderable time elapſe before I received another invitation, with permiſſion to wear my uniform. You no doubt muſt remember it was on the 6th of January, 6 days after the departure of Victor Hughes, and nearly a month after Mr. Desforneaux's taking poſſeſſion of his government, and then, not till he had determined on my departure for the United States.

In conſequence of his preſſing ſolicitations, I received from him one hundred dollars, which I repaid you.

From your mentioning this circumſtance which has no kind of connection with the extract of my letter, on which you pretend to ground your addreſs to me—I rather preſume it is with an intention that the public ſhould be informed, you alſo advanced me one hundred and fifty dollars, which I gratefully repaid you.

You alſo mention, that he conſtantly aſſured me, he did not conſider me as an officer of a nation with whom his country was at war—but as a friend and ally, and that his conduct proved his ſincerity.

Reſt aſſured I placed no faith in his aſſertions, as his conduct was not conformable to his declarations, and that I conſidered French *intrigue*, with him, as the ruling principle of action.

Admitting for a moment Mr. Desforneaux's politeneſs, in the moſt extenſive point you could wiſh, to myſelf and officers, can it be put in competition with the ſufferings of 200 Americans? Their treatment will ſpeak more forcibly than any declaration of yours or mine. On this head, I ſhall ſtate facts—make no comments, and leave the public to draw their own concluſions.

I ſhall now ſtate a few facts that came immediately under my own obſervation whilſt I remained in Guadaloupe.

Victor Hughes was a priſoner nearly a month, and had left Guadaloupe 6 days previous to the liberation of the American maſters and ſupercargoes; and it was then only effected by preſſing ſolicitations—ſtating their miſerable ſituation; and that their preſent allowance was inſufficient for them to exiſt on. This fact can be atteſted by ſeveral who have returned, and others who are daily expected.—The jailors who were in office under Hughes, and in the habit of exerciſing ſavage cruelties, were continued in office under Desforneaux; it is true that one of them received a reprimand for not releaſing ſeveral maſters of veſſels out of a dungeon, when orders were given for that purpoſe. Can a reprimand be conſidered as a ſufficient puniſhment for detaining reſpectable citizens in a dungeon 6 days after orders were given for their liberation? Capt. Bingham and Mr. Milnor received their paroles under the government of Victor Hughes, ſome time previous to the arrival of Desforneaux. The commiſſary of priſoners, after the confinement of Hugues, called at their ſeveral places of abode, and requeſted that they demean themſelves peaceably and as priſoners, as Desforneanx had reprimanded him for letting any Americans out of priſon, and that he had become reſponſible for thoſe who were enlarged. Capt Duer, and others of this city, are acquainted with the above circumſtance.

That many veſſels were brought into Guadaloupe, after the arrival of Desforneaux all of which were condemned, as I have already ſtated in my former letters, a veſſel from New-Bedford bound to Surinam excepted, whoſe trial was not decided. The condemnat onss and proteſts already received in the different inſurance offices on the continent, will confirm this aſſertion. The officers and crew generally, impriſoned frequently; however, through the influence and ſolicitations of the owners and commanders of privateers, the captains were releaſed.

The evening I left Guadaloupe, the veſſels that had the American citizens on board, were laying off and on before the town, I went to Desforneaux's; his ſecretary informed me he had received orders to procure a certificate from me, that all the Americans were treated well, and as friends, ſince his command. I replied, was much aſtoniſhed at his demand, and would not comply with it, as it was contrary to the repreſentations of the ſufferings of the Americans, as related by themſelves. I then went with the Secretary and yourſelf to Mr. Desforneaux, when a ſimilar converſation paſſed; and alſo informed him, if he wiſhed a certificate for myſelf and officers, ſince the departure of Hughes, I would give it; but not for the Americans that had been that day liberated; and if he wiſhed for any other certificate, it would come, with more propriety from the perſons immediately concerned; the conſequence was, he in a violent paſſion, ſent you on board to procure this certificate—and did you not return as you went, with a poſitive refuſal, and we were immediately ordered to anchor.

Were you not alſo informed after your return, of Desforneaux's conduct in conſequence of my ſteady refuſal—of his flying into the moſt extravagant paroxyſm of rage—breaking his plate in ſeveral pieces, with his fiſt—ſticking his fork into the table—ſtamping and raving, in the wildeſt manner poſſible—and abuſing myſelf, the American people, and government, in the moſt approbrious terms. Did you not inform me, that you was obliged to get his mother-in-law to appeaſe his anger, previous to your ſpeaking to him, and that you informed him, it would have no effect to procure a certificate by force, as they would proteſt againſt it, at the firſt port they arrived at. This information reſpecting yourſelf, was your own declaration, in the preſence of Captain Babcock.

I ſhall now, ſir, take my final leave of you—the ſituation you have compelled me to aſſume, and the many appeals made to me, has rendered it neceſſary, to enter into the variety of ſubjects, contained in yours. It is my determination, not to be drawn into a paper controverſy, as every fact is already before the public, and reſt aſſured I ſhall *avoid endleſs diſcuſſions*.

Yours, &c.
Wm. BAINBRIDGE.

CONGRESS,

HOUSE OF REPRESENTATIVES.

Monday, Feb. 25.

Mr. Gregg preſented two petitions praying for a repeal of the alien and ſedition laws, the one from Cumberland county, ſigned by 270 perſons; the other from Miffiin county in Pennſylvania, ſigned by 314 perſons.

Mr. Gallatin preſented another petition of the ſame kind from Cheſter county ſigned by 692 perſons.

Mr. Livingſton one of a ſimilar nature, ſigned by 2500 of the citizens of New-York.

Mr. Heiſter one of the ſame kind from 1400 inhabitants of Berks county.

Mr. Bayard one from the inhabitants of Newcaſtle county, ſtate of Delaware, ſigned by between 7 and 800 perſons.

Mr. Bard and Mr. Brown each of them preſented petitions to the ſame effect ſigned by a ſmall number of perſons.

The whole were referred as uſual.

On motion of Mr. Livingſton the petition preſented ſome days ago from a number of alien Iriſhmen againſt the alien bill, was alſo referred, 44 to 35.

The Preſident of the United States informed the houſe, that he had approved and ſigned an act fixing the pay of captains and commanders of ſhips and veſſel of war, an act to authoriſe the purchaſe of timber for naval purpoſes, an act eſtabliſhing docks, an act for augmenting the navy of the United States, and an act reſpecting quarantines and health laws.

The Preſident alſo informed the ſenate that he had approved and ſigned, an act making appropriations for the expence of carrying into effect certain treaties with certain tribes or nations of Indians, and an act allowing James Mathers compenſation for his ſervices, &c. as ſerjeant at arms of the ſenate.

The two following bills were then read the third time and paſſed, viz. a bill to authorize the erection of a beacon on Boon Iſland, and a bill for the government of the navy of the United States.

Mr. Harper from the committee of ways and means, reported a bill making additional appropriations for the year 1799, which was committed.

Mr. Varnum reported a bill authorizing a detachment of the militia of the U. States which was committed.

On motion of Mr. Goodrich, the houſe went into a committe of the whole, on the report of a ſelect committee, on the petitions praying for a repeal of the alien and ſedition laws.

The queſtion being upon agreeing to the firſt reſolution, declaring it to be inexpedient to repeal the alien law,

Mr. Gallatin ſpoke at conſiderable length againſt its adoption.

On his ſetting down the queſtion was put and carried, 52 votes being in the affirmative.

The next queſtion was upon agreeing to the reſolution declaring it to be inexpedient to repeal the ſedition law.

Mr. Nicholas ſpoke at length againſt agreeing to this reſolution. At the concluſion of his ſpeech, and a few obſervations having been made in favor of the committee's riſing and reporting progreſs, by Meſſrs. M'Dowell and Livingſton; and againſt it, and in favor of taking the queſtion on the reſolution, by Meſſrs. Bayard and Dayton, a queſtion was taken on the committee's riſing, and negatived, 51 to 42. The queſtion on the reſolution was then put and carried by exactly the ſame number of votes, by which the former queſtion was carried.

The queſtion was put and carried on the laſt reſolution, without a deciſion.

The committee then roſe, and the houſe took up the reſolutions. The queſtion being on concurring in the agreement of the committee of the whole to the firſt reſolution. Mr. Livingſton entered upon a defence of the ſentiments which he delivered when the paſſage of this law was under conſideration, which he laid had been much miſrepreſented, but after making ſome progreſs in his obſervations, the ſpeaker declaring them unconnected with the queſtion before the houſe, he ſat down, and the firſt reſolution was decided by yeas and nays, as follow:

YEAS.

Meſſrs.	Allen,	Meſſrs.	Hoſmer,
	Baer,		Imlay,
	Bartlett,		Lyman,
	Bayard,		Macher,
	Brace,		Matthews,
	Brooks,		Morgan
	Bullock,		Morris,
	Champlin,		Otis,
	Chapman,		I. Parker,
	Cochran,		Pinckney,
	Craik,		Reed,
	Dana,		Rutledge,
	Dennis,		Schureman,
	Edmond,		Sewall,
	Evans,		Shepard,
	A. Foſter,		Sinnickſon,
	D. Foſter,		N. Smith,
	J. Freeman,		Sprague,
	Glen,		Thatcher,
	Goodrich,		Thomas,
	Gordon,		Thompſon,
	Griſwold,		Tillinghaſt,
	Grove,		Van Allen,
	Harper,		Wadſworth
	Hartley,		Waln,
	Hindman,		J. Williams.

52

NAYS.

Meſſrs.	Baldwin,	Meſſrs.	Heiſter,
	Bard,		Holmes,
	Blount,		Jones,
	Brent,		Locke,
	Brown,		Lyon,
	Cabell,		Macon,
	T. Claiborne,		M'Clenachan
	W. Claiborne,		M'Dowell,
	Clay,		New,
	Clopton,		Nicholas,
	Davis,		J. Parker,
	Dawſon,		Skinner,
	Dent,		S. Smith,
	Eggleſton,		W. Smith,
	Elmendorf,		Sprigg,
	Findley,		Stanford,
	Fowler,		Sumpter,
	N. Freeman,		A. Trigg,
	Gallatin,		J. Trigg,
	Gilleſpie,		Van Cortlandt
	Gregg,		Varnum,
	Hanna,		Venable,
	Harriſon,		R. Williams,
	Havens,		47

Mr. M'Dowell then moved an adjournment which was negatived, 55 to 38.

The queſtion was then taken on the ſecond reſolution, upon which the yeas and nays were exactly the ſame as upon the firſt.

The queſtion on the third was concurred in, 61 votes being for it.

Adjourned at half paſt five.

CITY DANCING ASSEMBLY.

THE Subſcribers are reſpectfully informed that the next Aſſembly will be held on Thurſday the 7th of March.

feb. 27 dt7mar

BALL.

MESSRS. BYRNE & QUESNET's BALL, will be kept jointly, on Thurſday next, the 28th of February, at O'Ellers' Hotel,

feb 27

Volunteer Grenadiers.

THIS Corps is ordered to aſſemble at the Houſe of WM. Ogden, in Cheſnut-ſtreet, at 6 o'clock on Saturday evening next, on buſineſs of importance.

By command,
G. K. HARRISON, 1ſt ſerj't.
feb. 25.

For sale by,
PETER BLIGHT,
At his Store—South-ſtreet wharf,
A quantity of Jamaica Rum,
do Brandy, 8th proof,
Red Port Wine, in pipes, hhds. and qr. caſks
Madeira, in pipes fit for uſe,
Catalonia White Wine in pipes,
Hazlenuts in ſacks
Caſtile Soap
Old Arrack—in caſks and caſes of 3 dozen each.
feb, 19. eod6w

IMPORTED,
By late arrivals from HAMBURGH,
9-8 wide Brown Ruſſia Sheetings } generally
German 6 4 wide Dowlaſſes } entitled to
Brown Sileſias } foreign ex-
Bregtagnes } port draw-
Ticklenburgs } back.
FOR SALE BY
GEORGE PENNOCK.
feb. 19. d6t

FOR SALE,
Eighteen Acres and twenty-ſix Perches of
LAND,
In a fine healthy ſituation, with a ſmall ſtone houſe upon it, ſome meadow and woodland, a run of water, and a good ſpring; ſituated in the Manor of Moreland, Montgomery County, on the Southampton and Wright's Town road, 14 miles from Philadelphia, adjoining the lands of W. Deans, Eſq. W. Roberts, and J. Laumoy. *Apply to* J. LAUMOY.
*** Poſſeſſion will be given on the firſt of April.
february 19th. 1799 3tawtf

FOR SALE,
By the Subſcribers,
15 pipes Old Madeira Wine,
1 pair of 9 pound Cannon
5 packages of Gum Guiaccum
2 bales of St. Domingo Cotton
100 boxes of Wax Candles, of 24lbs each.
Willings & Francis.
Penn-ſtreet,
February 19. } w&ſ tf

CHINA GOODS.
Now delivering from the ſhip New-Jerſey, from Canton,
FOR SALE,
At the Stores of the Subſcribers,
CONSISTING OF
BOHEA
Hyſon ſkin
Young hyſon
Hyſon and
Imperial } TEAS.
White nankeens
Lutеſtrings, colored and black
Senſhaws do. do.
Handkerchiefs do. do. 4-4
Sewing ſilks do. do.
Black hair ribbon
Black ſattins
Caſſia in ſmall bales
China ware in dining and tea ſetts

On Hand,
50 trunks and caſes dimities, muſlins, ginghams, muſlinets and pullicat handkerchiefs, in ſmall packages, for the Weſt-India market.
25 trunks of printed calicoes, aſſorted for the Weſt-India market.
1 bale of woolen cloths, low priced
Sail canvas by the bale or piece, No. 1 to 8.
Copper in ſheets 24 by 48 and 48 by 60 inches
Raiſed copper bottoms in tubs
A ſmall invoice of queens ware aſſorted.
Engliſh wrought nails in caſks.
Sheathing paper.
New-Orleans indigo
Paints of different colors, dry in caſes.
Old Madeira wine fit for uſe.
NICKLIN & GRIFFITH.
feb. 11 m w.fr.tf.

Juſt Imported,
Iron cannon, double fortified, Woolwich proof, with their carriages complete—3, 4, 6 and 9 pounders.
Carronades, Woolwich proof, with carriages, &c. complete—12, 18 and 24 pounders.
Cannon powder in kegs of 25lbs. each
Round, double-headed, and canniſter ſhot
Patent ſheathing copper, bright, aſſorted 18, 20, 22, 24, 26 and 28 oz per ſquare foot, ſheets 48 by 14 inches, ſuitable for veſſels from 100 to 1000 tons
Copper nails, bolts and ſpikes
Boarding Pikes,
Common cutlaſſes
Gunners ſtores of all kinds
Tin-plates No 1—1-3 groſs boxes
Patent ſhot in caſks of 5cwt. each
London porter and brown ſtout, in caſks of 7 doz. bottled.
Earthen ware in crates, aſſorted
For Sale by
SIMON WALKER,
Pine near 5th ſtreet.
October 29. eo.tf.

THE PARTNERSHIP OF
John & James Poultney,
BEING diſſolved by mutual conſent, all perſons indebted to them are requeſted to make immediate payment to either of the ſubſcribers; and thoſe having demands to preſent their accounts for ſettlement.
JOHN POULTNEY,
JAMES POULTNEY,
1R mo 30 w&ſtf

JOHN MILLER, junr.
HAS REMOVED FROM NO. 8, CHESNUT,
To the Five Story Building, in Dock, near Third-ſtreet,
WHERE HE HAS FOR SALE,
300 Bales of Bengal Goods;
CONSISTING OF
COSSAS
Baftas
Mamoodies
Humhums
Taffaties
Striped Doreas
Calicoes
Handkerchiefs, &c. &c.

Alſo, a large aſſortment of
Madras Handkerchiefs,
of various deſcriptions.
January 1 tawtf

Notice is hereby Given,
THAT application will be made at the Bank of the United States for the renewal of the following certificates of Bank ſtock, ſtanding in the name of Hodgſon Atkinſon of London, which were loſt from on board the Swallow Packet, capt. Kidd, captured by the French, and all perſons concerned are deſired to take notice.
No. 2424, iſſued in lieu of No. 1891, 1892, 5662 and 16640, for 4 ſhares.
No. 3020, iſſued in lieu of 11055, and 11057, for 3 ſhares.—7 ſhares.
THOMAS M'EUEN & Co.
nov. 28 d3m

WATER LOAN.
THE Commiſſioners for receiving ſubſcriptions to a Loan for ſupplying the City of Philadelphia with wholeſome water, give
NOTICE,
That they will call on the citizens for their ſubſcriptions in the following diſtricts
William Jones will receive from Vine to South ſide of Pine-ſtreet.
Levi Hollingsworth will receive from the North ſide of Pine to the South ſide of Spruce-ſtreets.
Jeſſe Waln will receive from north ſide of Spruce to the ſouth ſide of Walnut-ſtreets.
Edward Tilghman will receive from north ſide of Walnut to the ſouth ſide of Cheſnut-ſtreets.
John Inſkeep, and Jonathan Robinſon, will receive from north ſide of Cheſnut to the ſouth ſide of Market-ſtreets.
Stephen Girard, and Jacob Shoemaker will receive from north ſide of Market to the ſouth ſide of Arch-ſtreets.
Thomas Haſkins will receive from north ſide of Arch to the ſouth ſide of Race-ſtreets,
Leonard Jacobi will receive from north ſide of Race to the ſouth ſide of Vine-ſtreets.
Joſeph Cruikſhank, & Jared Ingerſol will attend at the office of Jared Ingerſol, oppoſite the State Houſe, with the book hitherto kept at the City Hall. *By order of the board,*
JACOB SHOEMAKER, *ſec'ry.*
2d mo 18th §

A Farm for Sale.
WILL be ſold, in purſuance of an order of Orphans Court of Delaware county, on Monday the 27th February next, at the houſe of W. Anderſon, in the Borough of Cheſter, at one o'clock, P. M.
THE PLANTATION,
Late the property of Raper Hoſkins, deceaſed, ſituate in the ſaid Borough, containing about 220 acres, of which between 43 and 50 acres are excellent upland and marſh meadow; about 40 acres of woodland; the remainder is arable land, of a good quality—The whole has been uſed for many years as a grazing farm and is under an almoſt new cedar fence; there are on the farm a good two ſtory ſtone dwelling houſe and kitchen in good repair; the dwelling houſe has four rooms on a floor, with a convenient entry; there is a good kitchen garden, two good apple orchards, one containing about ſix acres young and healthy; a good tenant's houſe, barn, ſtables and chair houſe. The banks are in good repair, and walled in front with ſtone.
Alſo at the ſame time and place will be ſold 15 acres of marſh meadow, in the neighbourhood of the farm, under good bank, and in high cultivation. Any perſon deſirous of viewing the premiſes, will be ſhewn them by applying in Cheſter to
ELEANOR HOSKINS, Admin'x.
January 18, 1799.
Who deſires all thoſe indebted to the late R. Hoſkins, to make immediate payment, and thoſe who have demands againſt his eſtate, to preſent them to her for ſettlement.
3awtdſ

ALL PERSONS,
INDEBTED to the Eſtate of ABRAHAM DICKS, Eſq. late Sheriff of the County of Delaware, are requeſted to make immediate payment, and all thoſe who have demands againſt ſaid Eſtate to authenticate and preſent them for ſettlement. Alſo, all thoſe who have depoſited writings with ſaid deceaſed to apply for them to
WILLIAM PENNOCK. Adm'r.
Springfield, Delaware county,
1ſt mo. 8th, 1799. }
jan. 8 1awtf

The Subſcriber offers for Sale,
THE FOLLOWING PROPERTY.
AN Excellent three ſtory Brick Houſe, ſituate the corner of 7th and Race-ſtreets;—the houſe is about 25 feet front and well finiſhed in every reſpect; the Lot is 76 feet front on Race-ſtreet and 88 feet deep, the ſituation remarkably airy, having a public ſquare open in Front of it.
Two three ſtory Brick Houſes. Brick Stores, and good Wharf, ſituate in Water-ſtreet, between Arch and Race-ſtreets, the lot on which theſe buildings are, is fifty four feet front on Water-ſtreet, and continues that width about 95 feet, then widens to the ſouth 13 feet 6 inches, ſo that the front on the water is ſixty ſeven feet ſix inches, this lot adjoins John Steinmetz eſq. on the ſouth, and has the advantage of a public alley on the north, and is a very deſirable ſituation for the buſineſs of a Flour Factor, or Merchant.
A large elegant two ſtory Stone Houſe, ſituate on the Point no Point road, being the firſt houſe to the Northward of the five mile ſtone; this houſe is about 60 feet front and 40 feet deep finiſhed in a neat manner; there is a good garden and choice collection of the beſt fruit trees, Ice-Houſe and other conveniences with about nine acres of ground—or if more agreeable to the purchaſer, thirty two acres of upland and meadow may be added to it.
A plantation in Bibirry Townſhip, Philadelphia county near the Red Lyon, about 13 miles from this city; bounded by the Northampton Road and Poqueſſing Creek, this farm contains about 140 acres of land, a proportion of which is woodland and meadow, a brick dwelling-houſe, frame barn, and other out-houſes, and there is ſaid to be a good ſtone quarry on part of it, although it has not yet been opened, a further deſcription is deemed unneceſſary as no perſon will purchaſe without viewing the premiſes,
A ſmall plantation in Horſham Townſhip, Montgomery county, nineteen miles from Philadelphia, adjoining to Grame Park, on which is an excellent new Stone Houſe and Kitchen, with a large Stone Shed for the accommodation of traveller's horſes; the houſe is now occupied as a tavern, and is ſuitable for any kind of public buſineſs, the land is good in quality, a good neighborhood, and a remarkably healthy ſituation: there is fifty acres of land and meadow in this farm——Alſo for ſale, ſeveral tracts of land in different counties of this ſtate.

☞ The Houſe in Race-ſtreet firſt mentioned and one of the Houſes in Water-ſtreet, are now
TO BE LET,
And immediate poſſeſſion given. For terms apply at the South-eaſt corner of Arch and Sixth ſtreets, to
JOSEPH BALL.
feb 7 th&ſ tf

Advertiſement.
THE Creditors of WILLIAM PURNELL, (C. N.) late of Worceſter county, Maryland, deceaſed, are hereby notified to appear at the court houſe in Snow Hil, in the ſaid county, on the 8th day of March next, with their reſpective claims againſt the ſaid deceaſed, properly authenticated, at which time, or as ſoon thereafter as can be, a portionable diviſion of the aſſets in the hands of the ſubſcriber will be made between them, agreeably to the directions of the act of aſſembly, entitled "An act to alter and amend the law in certain caſes."
Edward Henry, executor.
feb. 19. dt8Mar

TO THE
Promoters of Literature.
THE managers of the Beula Seminary, impelled by motives of pure morality, having reſolved to diſpoſe of the following property by way of LOTTERY, in order to aſſiſt them in erecting a convenient building for the accommodation of one hundred ſtudents, and the neceſſary proteſſors in the different departments of ſcience—do offer for ſale three hundred and fifty lots in BEULA, each fifty-eight feet by one hundred and twenty-five, at twenty dollars per ticket, each ticket entitled to a lot to be determined by ballot; ten dollars to be paid on receipt of the ticket, and the remaining ten on the delivery of the deed. The ballot to take place before impartial men, as ſoon as the whole number of tickets are ſold.
The managers, anticipating the difficulty of obtaining caſh for the whole, have reſolved to receive an equivalent, for ſome of the lots, in ſelect books; philoſophical apparatus, or in produce and materials for building, delivered on the ſpot.
It may be obſerved, that the value of prizes in this lottery will be more than double the amount of all the tickets; for 350 lots, would at their average eſtimation, produce at leaſt 15,750 dollars; whilſt, according to the preſent propoſals, the ſum obtained for them will be only 7,000 dollars.
Tickets may be had during this winter, of *Morgan J. Rhees*, preſident of the board of managers, no. 177, ſouth Second-ſtreet, Philadelphia; who will receive propoſals and plans for the erection of the building. It is intended to be of brick or ſtone; its ſituation on the ſummit of a gradual riſing eminence, commanding an extenſive proſpect of the ſurrounding country; an obſervatory to be on its top.
Land and out lots in the vicinity of the Town may be had on moderate terms by applying as above. Mechanics and laborers, of good morals will meet with encouragement.
jan. 19. 3aw2m

FOR SALE,
A SMALL Farm of Fifty-four acres, within five miles and a half of Philadelphia and one mile from Frankford on the river road, fourteen acres of wood-land, five acres of good meadow, the reſidue thirty five acres, excellent arrable land and which will make the beſt of meadow. On the premiſes are a decent two ſtory Brick Houſe and Brick Kitchen a good garden & orchard with a variety of fruit trees and a well of very good water.
For terms apply to Thomas Benger, near Briſtol Bucks County, or William Waln, No. 144, South Second ſtreet, Philadelphia,
ALSO,
A Lot of eight or nine acres,
OF very good land in good order for clover ſeed with or without a large frame Barn as good as new, enquire as above.
feb 14 ¶ 3taw3w

Samuel Miles, jun'r.
Of the city of Philadelphia, merchant, having aſſigned over all his effects, real, perſonal and mixed, to the ſubſcribers, for the benefit of ſuch of his creditors as may ſubſcribe to the ſaid aſſignment on or before the firſt of Auguſt next.
Notice is hereby given,
To all perſons indebted to the ſaid eſtate, that they are requeſted to make immediate payment to either of the aſſignees, or to the ſaid Samuel Miles, who is authoriſed to receive the ſame; in failure whereof legal ſteps will be taken for the recovery of ſuch debts, as are not diſcharged accordingly.
GEORGE ASTON,
CORNELIS COMEGYS, } Aſſignees
JOHN ALLEN,
feb. 14. 3awtf

Patent Ploughs,
TO be ſold for caſh by Joſeph Salter at Aſſion Richard Wells, Cooper's Ferry—Jonathan Harker, Woodbury—and Jeſſe Evans, Lumberton, Thoſe who have uſed them give them the preference to any other kind, as they require leſs team, break the ground better, are kept in order at leſs expence and are ſold at a cheaper rate—the plan is much ſimplified and conſiſts of but one piece of caſt iron, with the handles and beam of wood; they may be fixed with wrought lays and coulters to be put on with ſcrews and taken off at pleaſure
Patent rights for vending with inſtructions for making them may be had by applying to John Newbold, or the ſubſcriber No. 212 North Front-ſtreet.
Who has for Sale;
Or to Leaſe for a term of Years,
A number of valuable tracts of Land, well ſituated for Mills, Iron Works or Farms, moſtly improved, lying chiefly in the county of Huntingdon ſtate of Pennſylvania. Thoſe who may incline to view them will pleaſe to apply to John Canan eſq. near Huntingdon.
Charles Newbold.
july 17 2awtf

TREASURY DEPARTMENT.
JUNE 27, 1798.
NOTICE IS HEREBY GIVEN, That by virtue of an act, paſſed during the preſent ſeſſion of Congreſs, ſo much of the act entituled "An Act making further proviſion for the ſupport of public credit, and for the redemption of the public debt"—paſſed the third day of March, one thouſand ſeven hundred and ninety-five, as bars from ſettlement or allowance, Certificates, commonly called Loan Office and final ſettlement Certificates, and Indents of Intereſts, is ſuſpended until the twelfth day of June, which will be in the year one thouſand ſeven hundred and ninety nine.
That on the liquidation and ſettlement of the ſaid Certificates, and Indents of Intereſt, at the Treaſury, the Creditors will be entitled to receive Certificates of funded Three Per Cent. Stock equal to the amount of the ſaid Indents, and the arrearages of intereſt due on their ſaid Certificates, prior to the firſt day of January one thouſand ſeven hundred and ninety one.
That the principal ſums of the ſaid Loan Office and final ſettlement Certificates, with the intereſt thereon, ſince the firſt day of January, one thouſand ſeven hundred and ninety one, will be diſcharged after liquidation at the Treaſury, by the payment of intereſt and reimburſement of principal, equal to the ſums which would have been payable thereon, if the ſaid Certificates had been ſubſcribed, purſuant to the Acts making proviſion for the debts of the United States, contracted during the late war, and by the payment of other ſums, equal to the market value of the remaining Stock, which would have been created by ſuch ſubſcriptions as aforeſaid, which market value will be determined by the Comptroller of the Treaſury.
OLIVER WOLCOTT,
Secretary of the Treaſury.
june 28 1awtf

TO BE SOLD,
On Thurſday the 1ſt March, next,
At the Merchants' Coffee Houſe,
In the evening, at 7 o'clock,
THE FOLLOWING PROPERTY,
—viz.—
A LOT in Arch-ſtreet between Sixth and Seventh ſtreets, containing in breadth on Arch-ſtreet, 32 feet and depth 120 feet, on which there is two frame tenements which rent for 60l. per annum—free of all incumbrances.
One Lot in Trotters Lane in the Townſhip of Moyemenſing, between Front and Second-ſtreet, about half a mile from the city, containing one acre of land, on which is erected a one ſtory Brick tenement and a ſtable, the ſaid lot and appurtenances rents for 20l. per annum.
One Lot, containing 3¼ acres of Land adjoining Carſon's eſtate in the townſhip of Moyemenſing, on which is a two ſtory Brick tenement, two rooms on a floor, a good Brick kitchen, a good Orchard of the beſt grafted fruit Newtown Pippins, a very large ſtrawberry patch and the Land all in good order and well adapted for a garden, now in tenure of Rebecca Goſner, and rents for 6ol. per annum.
The above three lots poſſeſſion can be given in April next.

A beautiful
COUNTRY RETREAT,
Situated in Turner's Lane, known by the name of Gravel Run, on which is a handſome Brick Building two ſtories high, two rooms on a floor, a Piazza the whole front of the Houſe, and cellars under the whole, an excellent well of water, a good Tennants Houſe; alſo a good Barn, a garden, good orchard, &c the whole in compleat repair, and containing from 14 to 15 acres of land—ſubject to a leaſe to Richard Wells, eſq for 5 years to come from the laſt for which period the rent has been paid
A Ground Rent on a lot on the eaſt ſide of Third Street, a little below Shippen Street, on which is a handſome three ſtory brick houſe—the Ground Rent is £.32 per annum, out of which £.5. 5. is to be deducted leaving a ground rent for ſale of of £.17. 15 per annum—alſo a ground rent on the weſt ſide of George ſtreet, adjoining the above lot on which there is no buildings—the ground rent is £.7. 10 per annum out of which £.5. 5. to be deducted, leaving a rent for ſale of £.2. 5. per annum—the houſe joining ſaid lot in George ſtreet is ſubject to pay the ground rent.
The terms and conditions ſhall be made known at the time of ſale and for further particulars enquire of
Footman & Co. Auctioneers.
feb. 12 d&Mar 1

ALL perſons having any demands againſt the Committee appointed to diſtribute the Donations received for alleviating the Diſtreſſes of thoſe who are ſuffering in conſequence of the late Calamity, are requeſted to bring in their accounts previous to the 20th inſtant.
By Order of the Committee,
PETER BARKER, *Clerk.*
2d mo. 12, 1799.

FOR SALE,
In the healthy and pleaſant village of
BORDENTON.
A HANDSOME, well finiſhed, and convenient two ſtory Frame Houſe, and lately occupied by colonel John Vanemburgh,—the Houſe is 36 feet in front on the main ſtreet, and 30 feet deep—four rooms on a floor, with a kitchen 18 by 15 feet, two good rooms over the ſame and one with a fire place—a very excellent cellar under the whole houſe; the lot two fifths of an acre, enclоſed with a high board fence; the garden in high cultivation, and contains a variety of beſt graſted fruit.—Good ſtable, carriage houſe, ſmoke houſe and a pump of good water in the yard, the whole in complete repair. The healthineſs and pleaſantneſs of the village of Bordenton and the neighborhood are too well known to require any commendation.
For terms apply to *James H. Imlay, eſq.* now in Philadelphia, or to the ſubſcriber now on the premiſes.
MARY VANEMBURGH,
executrix.
Bordenton. feb 13 d6w

For Sale by the Subſcriber,
No. 145, Market-ſtreet,
Very low for Caſh, or a ſhort Credit,
The remaining ſtock of the late Houſe of
TODD & MOTT,
Cloths, Kerſeymeres, a few printed Cottons,
Printed handkerchiefs and ſhawls
Printed dimities
Hoſiery, threads, twiſt and ſewing ſilks
A ſmall amount of hardware,
WILLIAM MOTT, Agent for the aſſignees of Todd & Mott, to Whom, all perſons indebted to that concern, are requeſted to make immediate payment.

W. MOTT,
Having commenced buſineſs in the Commiſſion line, his ſtore is now open for the reception of Dry Goods of all deſcriptions.
Philadelphia, February 4, 1799. §

Alexander J. Miller,
No. 64, SOUTH FRONT-STREET.
HAS JUST RECEIVED,
By the ATLANTIC, capt. READ, arrived at NEW-YORK, from MADRAS,
THE FOLLOWING
WHITE GOODS,
Which will be ready for Sale on Monday next,
—viz.—
Gaunjees
Allabald Baftas
Tandah Coſſies
Fine Long Cloths
Moories and Short Cloths.
feb 1 §

ALL PERSONS
Indebted to the Eſtate of Mr. JOHN FENNO, late of Philadelphia, deceaſed, are deſired to make payment, and thoſe having any demands, to preſent them for ſettlement, to
SAMUEL BLODGET, Adm'r.
or
JOHN WARD FENNO, Agent to the adminiſtration.
nov. 30 §3m

PUBLIC NOTICE
IS hereby given, that application will be made to the Directors of the Bank of Pennſylvania for the renewal of a Certificate for a ſhare in the ſaid Bank, No 1282, dated July 24th 1797, ſtanding in the name of JOSEPH REED, the ſame having been accidentally loſt or deſtroyed,
Philad. Jan. 25. d6w

Stray Horſe.
WAS taken up, treſpaſſing on the ſubſcriber, in the townſhip of Paſſyunk, in the county of Philadelphia, a grey Horſe, about fourteen hands high, thirteen or fourteen years old, blind of his right eye, and ſhod before. Whoever has loſt him, by proving property and paying charges, may him again on applying to the ſubſcriber.
JOHN SINK,
On the Banks of Schuylkill.
jan. 19, ¶

WHEREAS,
BY an Act of Congreſs paſſed on the ſixteenth day of July in the year of our Lord one thouſand ſeven hundred and ninety eight, the Preſident of the United States is authoriſed to borrow on behalf of the United States from the Bank of the United States, or from any other body or bodies politic or corporate, or from any perſon or perſons, and upon ſuch terms and conditions as he ſhall judge moſt advantageous for the United States, a ſum not exceeding five millions of dollars, ſo however, that no contract or engagement be made which ſhall preclude the United States from reimburſing any ſum or ſums borrowed at any time after the expiration of fifteen years from the date of ſuch loan. *And whereas*, it is declared by the ſaid Act, that ſo much as may be neceſſary of the ſurplus of the duties on Imports and Tonnage beyond the permanent appropriations heretofore charged upon them by law, ſhall be pledged and appropriated for paying the intereſt, and alſo for paying and diſcharging the principal ſum or ſums of all the monies which may be borrowed, according to the term or terms which may be fixed, purſuant to the authority aforeſaid—*And whereas* by the ſaid Act, the faith of the United States is pledged to eſtabliſh ſufficient permanent Revenues for making up any deficiency that may hereafter appear in the proviſions before-mentioned for paying the intereſt and principal ſums, or either of them, of any monies which may be borrowed purſuant to the ſaid Act. *And whereas* the Preſident of the United States did by an Act or Commiſſion under his hand dated the ninth day of January in the year one thouſand ſeven hundred and ninety nine, authoriſe and empower, the Secretary of the Treaſury, to borrow on behalf of the United States, any ſum not exceeding in the whole, five millions of dollars and to make ſuch contract or contracts as ſhould be neceſſary, and for the intereſt of the United States, in purſuance of the Act of Congreſs above recited.
Now therefore, the undерſigned, Secretary of the Treaſury, in purſuance of the Act of Congreſs, and the authority from the Preſident of the United States, above mentioned, doth hereby on behalf of the United States of America, contract and engage in manner following, *to wit.*
1ſt. A book for receiving ſubſcriptions to a Loan of five millions of dollars for the uſe of the United States ſhall be opened in the city of Philadelphia, at the Bank of the United States on Thurſday the twenty eighth day of February enſuing, which book ſhall continue open for the purpoſe of receiving ſubſcriptions, until the whole of the ſaid five millions of dollars ſhall be ſubſcribed. If more than five millions of dollars ſhall be ſubſcribed on the firſt day of opening the ſaid loan, the ſurplus ſhall be deducted in proportion to the ſums ſubſcribed by individuals, exceeding four thouſand dollars.
2d. For every hundred dollars which may be ſubſcribed there ſhall be forthwith depoſited and paid the ſum of twelve dollars and fifty cents, and like payments of twelve dollars and fifty cents, ſhall be made within the firſt ten days of the months of April, May, June, July, Auguſt September and October enſuing. The Secretary of the Treaſury however reſerves the right of reducing the number of inſtallments by ſpecial agreements with the individuals who may become ſubſcribers.
3d. On the failure of payment of any inſtallment of the ſums ſubſcribed according to the tenor of the ſecond article, the next preceeding inſtallment of twelve dollars and fifty cents, which ſhall have been paid, for every hundred dollars ſubſcribed ſhall be forfeited to the United States.
4th, The ſums ſubſcribed ſhall and may be paid to the credit of the United States, at the Bank of the United States, or at the offices of diſcount and depoſit of the ſaid Bank at Boſton, New-York, Baltimore, or Charleſton, or at either of the Banks of Salem, in Maſſachuſetts, Newport and Providence in Rhode-Iſland, Hartford in Connecticut, Albany in New-York, or Alexandria in Virginia, for which payments, the receipts of the Caſhiers of the Offices of Diſcount and Depoſit and of the Banks aforeſaid ſhall be received at the Bank of the United States as equivalent to money; but no payment of a ſubſequent inſtallment ſhall be received at any other place than that where the firſt inſtallment was paid, except at the Bank of the United States; in caſe any depoſits ſhall be made at the offices of Diſcount or Depoſit, or at either of the Banks aforeſaid, which ſhall not be applied to the payment of the firſt inſtallment of ſubſcriptions to the Loan aforeſaid, the ſaid depoſits ſhall be forthwith refunded by directions from the Treaſury.
5th. For the ſums or number of ſhares of one hundred dollars, which may be ſubſcribed, certificates ſhall be given by the Caſhier of the Bank of the United States, which ſhall be aſſignable by indorſement, and delivery of the parties in whoſe favour the ſaid certificates may be iſſued, until the completion of the payments required by the tenor of the ſecond article preceeding.
6th. The ſums ſubſcribed and paid in purſuance of the tenor of the ſecond article preceeding, ſhall after the ſaid payments have been compleated, conſtitute a funded capital ſtock diviſible into ſhares of one hundred dollars each, which capital ſtock ſhall bear intereſt at the rate of eight per centum per annum from the times fixed for the payment of the reſpective inſtallments payable quarter yearly at the Treaſury of the United States, or at the Loan Offices where the ſame may ſtand credited, until the laſt day of December, in the year one thouſand eight hundred and eight.
7th. After the laſt day of December in the ſaid year one thouſand eight hundred and eight, and after reaſonable notice to the creditors, which ſhall be given by an advertiſement in ſome public newſpaper, printed at the ſeat of the government of the United States, the ſaid capital ſtock ſhall be redeemable at the pleaſure of the United States by the reimburſement of the whole ſum or ſums borrowed, and which may conſtitute the ſaid capital ſtock either at the treaſury of the United States or at the loan offices where the ſame may ſtand credited.
8th. The credits for the ſaid capital ſtock ſhall and may be ſeparately certified in ſums either for one hundred, four hundred, one thouſand, four thouſand or ten thouſand dollars, and the credits ſo certified ſhall be transferable by the creditors, or their attornies, at the Treaſury and Loan Offices reſpectively, in purſuance of the rules which have been, or which may be eſtabliſhed relative to the transfer of the funded ſtock of the United States.
9th. A ſufficient ſum of the ſurplus of the duties on Imports and Tonnage beyond the permanent appropriations heretofore charged upon them, by law, together with the faith of the United States are hereby pledged for the fulfillment of this contract, in purſuance of, and according to the terms and conditions of the act of Congreſs herein before recited.
Given under my hand and the ſeal of the Treaſury of the United States at Philadelphia, this twelfth day of January one thouſand ſeven hundred and ninety nine.
(L. S.)
OLIVER WOLCOTT,
Secretary of the Treaſury.
jan. 12. §